Florida Senate - 2002

CS for SB 1236

By the Committee on Judiciary; and Senator Jones

308-2221-02 A bill to be entitled 1 2 An act relating to the equitable distribution 3 of marital assets and liabilities; amending s. 61.075, F.S.; providing that a liability 4 5 incurred by forgery or unauthorized signature б is a nonmarital liability; providing for 7 attorney's fees and costs; providing an 8 exception; providing an effective date. 9 Be It Enacted by the Legislature of the State of Florida: 10 11 12 Section 1. Paragraph (b) of subsection (5) of section 61.075, Florida Statutes, is amended to read: 13 14 61.075 Equitable distribution of marital assets and 15 liabilities.--(5) As used in this section: 16 (b) "Nonmarital assets and liabilities" include: 17 18 1. Assets acquired and liabilities incurred by either 19 party prior to the marriage, and assets acquired and 20 liabilities incurred in exchange for such assets and 21 liabilities; 22 2. Assets acquired separately by either party by 23 noninterspousal gift, bequest, devise, or descent, and assets acquired in exchange for such assets; 24 25 3. All income derived from nonmarital assets during 26 the marriage unless the income was treated, used, or relied 27 upon by the parties as a marital asset; and 4. Assets and liabilities excluded from marital assets 28 29 and liabilities by valid written agreement of the parties, and assets acquired and liabilities incurred in exchange for such 30 assets and liabilities. 31 1

CODING: Words stricken are deletions; words underlined are additions.

1	5. Any liability incurred by forgery or unauthorized
2	signature of one spouse signing the name of the other spouse.
3	Any such liability shall be a nonmarital liability only of the
4	party having committed the forgery or having affixed the
5	unauthorized signature. In determining an award of attorney's
6	fees and costs pursuant to s. 61.16, the court may consider
7	forgery or an unauthorized signature by a party and may make a
8	separate award for attorney's fees and costs occasioned by the
9	forgery or unauthorized signature. This subparagraph does not
10	apply to any forged or unauthorized signature that was
11	subsequently ratified by the other spouse.
12	Section 2. This act shall take effect July 1, 2002.
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14	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
15	Senate Bill 1236
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17	Deletes the amendment to subsection (1) of s. 61.075, F.S.
18	Amends subsection (5) of s. 61.075, F.S., to provide
19	that nonmarital assets and liabilities include any
20	liability incurred by forgery or unauthorized signature of one spouse signing the name of the other spouse. Any such liability shall be a nonmarital liability only of
21	the party who committed the forgery or affixed the unauthorized signature. The court may award attorney's
22	fees and costs occasioned by the forgery or unauthorized signature. The provisions of this subsection do not
23	apply to any forged or unauthorized signature that was subsequently ratified by the other spouse.
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